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June 12, 2018

By ECF

Honorable Joanna Seybert
United States District Court
Eastern District of New York
United States Federal Courthouse
100 Federal Plaza
Central Islip, New York 11722

Re: Wu v. Amazon.com, Inc., et al, No. 17-cv-2759 (JS)(AKT)

Dear Judge Seybert:

This firm represents defendants SOS Logistics, LLC, Michael Lavelle and Robert Doe, a/k/a Bob (the "Moving Defendants") in the above-referenced action and submit this letter jointly with counsel for Defendant Amazon.com, Inc. ("Amazon") in accordance with the Electronic Order filed on June 5, 2018, directing that a status letter be filed by June 12, 2018.

Despite our good faith efforts to confer with Plaintiffs' counsel well in advance of today's deadline, we did not receive any response until approximately 11:45 AM today, June 12, at which time Plaintiffs' counsel proposed, for the first time, a briefing schedule that Amazon and the Moving Defendants do not believe is appropriate for several reasons. For example, while Plaintiffs' proposal correctly acknowledges that they have already responded to the Moving Defendants' motion to compel arbitration (which has been fully briefed), Plaintiffs now seek to respond to Amazon's motion to compel, despite the fact that Plaintiffs elected not to oppose that motion at the time it was filed on August 4, 2017. Subsequent efforts to agree on a joint submission in the limited time available proved unsuccessful.

Accordingly, in light of the recent dispositive United States Supreme Court decision, *Epic Systems Corp. v. Lewis*, 137 S. Ct. 809, upholding arbitration agreements and class action waivers ("Epic Decision") and for the sake of judicial economy, the Moving Defendants and Amazon

respectfully propose that the stay be lifted; and that the Court enter an order (i) restoring the previously submitted and fully briefed motions to compel arbitration without repeat filings, and with the Court taking judicial notice of the *Epic* Decision, or (ii) setting a briefing schedule for supplemental briefing on any matter that the Court believes warrants further consideration by the parties.

Respectfully submitted,



Alan T. Gallanty

Cc: All Counsel (Via ECF)